

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WAYNE MYERS,

Plaintiff,

v.

MAHONING TOWNSHIP and
WILLIAM LYNN, T.S. SCOTT, and
DEAN VANBLOHN, *individually and
in their official capacities as Township
officials,*

Defendants.

No. 4:19-CV-01349

(Judge Brann)

ORDER

AND NOW, this 20th day of December 2019, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Dismiss, October 4, 2019, ECF No. 12, is

GRANTED IN PART and DENIED IN PART.

2. Count II is dismissed with prejudice.
3. Count I is dismissed with respect to Defendant Dean VonBlohn.

Plaintiff may file an amended complaint with respect to Count I by

December 31, 2019. If no amended complaint is filed by that date,

Count I with respect to Defendant Dean VonBlohn will be summarily

dismissed pursuant to Fed. R. Civ. P. 41(b).

4. For the sake of clarity, Count I survives Defendants' Motion to Dismiss with respect to Defendants Mahoning Township, William Lynn, and T.S. Scott.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge